

PUBLIC HEARING

JANUARY 16, 2014

A public hearing of the Council of the County of Kaua'i was called to order by Ross Kagawa, Vice Chair, Environmental Services / Public Safety / Community Assistance Committee, on Thursday, January 16, 2014, at 1:41 p.m., at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Līhu'e, and the presence of the following was noted:

Honorable Mason K. Chock, Sr.  
Honorable Gary L. Hooser  
Honorable Ross Kagawa  
Honorable JoAnn A. Yukimura  
Honorable Jay Furfaro

Excused: Honorable Tim Bynum  
Honorable Mel Rapozo

The Clerk read the notice of the public hearing on the following:

"Bill No. 2516 – A BILL FOR AN ORDINANCE TO ESTABLISH A NEW ARTICLE UNDER CHAPTER 22, KAUAI COUNTY CODE 1987, AS AMENDED, ENTITLED BARKING DOGS,"

which was passed on first reading and ordered to print by the Council of the County of Kaua'i on December 18, 2013, and published in The Garden Island newspaper on December 26, 2013.

The following communications were received for the record (*see Bill No. 2516 testimony log*):

1. Akita, Dan
2. Anderson, Gary
3. April, Alice
4. April, Rocco
5. Beer, Brandi
6. Boyle, Cornelia
7. Case, Randal
8. Charters, Ken
9. Couturier, Alton
10. Demma, Jeff
11. Dooley, Jeanne
12. Drews, Sheila
13. Everett, Carol
14. Everett, Mark A.
15. Frazier, Stephanie
16. Galvan, Danitza
17. Heathcote, Sheila
18. Henry, Douglas
19. Hough, Mike
20. Hubbard, Scott
21. Kuraoka, Carol

22. Lans, Rebecca
23. Leclaire, Ellen
24. Norwood, Robert
25. Oda, Annette
26. Ono, Karen
27. Peterson, Bill
28. Peterson, Sea
29. Proctor, Terry
30. Sandblom, Marissa
31. Shigemoto, Tom E.
32. Sloger, Dora
33. Szczepanski, Gail
34. Yamauchi, Kent K.
35. Zakula, Mary

The hearing proceeded as follows:

EDUARDO TOPENIO, JR., Administrative Assistant to the County Clerk:  
Committee Chair, at this time, we had a total of thirty-five (35) written  
testimony that were sent in and we have seven (7) registered speakers.

Mr. Kagawa: Do you have a number of people in support  
and opposed?

Mr. Topenio: Twenty-nine (29) people in support, three (3)  
opposed, and "other" were three (3) people for the written testimony.

Mr. Kagawa: Okay. There are a lot more people in  
support of the Bill.

Mr. Topenio: Yes.

Mr. Kagawa: Thank you. Who is our first registered  
speaker?

Mr. Topenio: Our first registered speaker is Suzanne  
Woodruff.

Mr. Kagawa: Please state your name. You have three (3)  
minutes. I am staying with Councilmember Rapozo's advice. He said if people need  
three (3) additional minutes, you can have it after everyone else is done, so you can  
have a total of six (6) minutes since this is such a hot topic.

There being no objections, the rules were suspended.

SUZANNE WOODRUFF: My name is Suzanne Woodruff. I am a  
resident of Kapa'a. I am an Attorney. I come in particular with Ms. Yukimura's  
statement in the newspaper that "there is no legal remedy." There are ample legal  
remedies. To begin with, there are many animal cruelty laws. If they are not  
sufficient and if they are not strong enough, then make much more animal cruelty  
laws; everybody would welcome that. If the dogs are caged, mistreated, and that is  
going on, animal cruelty will handle it. At the State level, there are two (2) noise  
ordinances, which could be applicable. One would be an "all-purpose noise  
ordinance," which would include loud parties, loud music, and any loud, offensive

noise that are not precluded from dogs. There also is a dog barking ordinance at the State level. My question is how many layers of laws do we keep putting on this instead of realistic approaches? One of the problems is that some of our neighbors may not have realistic expectations of dogs. For example, if the neighbor's cat comes into the yard, the dog is going to chase him up the tree, and the cat will not come down when there is a barking dog under the tree. Cats are not dumb either. This will continue unless I am home, and then I will go and take the dog in so that the cat can make its escape. There is also discussion of trespassers or potential trespassers. Dogs are not necessarily discerning. They do bark when people walk by the property. They cannot say, "That is the kid next door; that is not a trespasser." My dogs are not "law school graduates." They are not rocket scientists. Every morning, there is a school bus stop in front of my house where people collect and every morning, I am out with my dogs and they are behind a fence where they cannot harm anyone, but they bark. They say, "We think that is an intruder." We tell them, "No, that is a school bus. Those are people waiting for the school bus and they have a right to be here." They do not get it because they are just not that quite smart. Another very good reason is that I have adopted a puppy that was abused as a puppy and we are getting her fixed, but she suffers from serious separation anxiety. I have her under medication from Veterinarian Dr. Patrick Ahana in Kapa'a. I also have an animal trainer where we are working with her, but sometimes if I leave her alone on the front porch or something, she will bark for me to come and get her because she needs to work through this particular problem. It is because somebody was irresponsible, took some newborn puppies, and threw them by the side of the road. She grew up in a cage at the Humane Society. Fortunately for her, she has a loving home and loving care. I have done some research. Some years ago, I remember this matter came up to no avail...

Mr. Kagawa: Suzanne, your three (3) minutes are up.  
Please summarize or if you need an additional three (3) minutes, you may...

Ms. Woodruff: I will be very quick. Dogs and pets can be regulated as all property can be regulated. The general allowable dog regulations fall in one of two categories; either they are for protection of the animal which would include leash laws or protection of the general welfare. This would be like "poop-scoop" laws, vaccination laws, general health and safety, or protection of the animals. I would assert that these kinds of laws do not fall into either category and are very questionable. If it would hold-up under litigation—we will see.

Mr. Kagawa: Thank you, Suzanne. You have a clarifying question from Councilmember Yukimura.

Ms. Woodruff: Yes.

Ms. Yukimura: Can you provide it for us?

Ms. Woodruff: I found it on the internet. I will have to go back. There is also an excessive noise ordinance which is all-purpose and does not preclude dogs.

Ms. Yukimura: May you provide both of those?

Ms. Woodruff: I would be happy to.

Ms. Yukimura: Thank you very much.

Mr. Kagawa:  
give you our E-mail addresses.

If you do it through E-mail, the Staff can

Ms. Woodruff:  
Law on the internet.

Yes. I have seen them on the Hawai'i State

Mr. Kagawa:  
speaker.

Thank you, Suzanne. Next registered

Mr. Topenio:  
Peterson, followed by Lisa Tamura.

The next registered speaker is William D.

WILLIAM D. PETERSON: Good afternoon. My name is William D. Peterson. I am also a resident of beautiful Kapa'a. First off, I would like to thank the Council for taking this matter under consideration. I would specifically like to thank Councilmember Yukimura because I think this is an ordinance that has long been needed and can have a positive influence on our community. It is an issue that is long needed to be addressed. If a group of rowdy teenage kids have a party and play their music too loudly at night, they can be cited by the Kaua'i Police Department (KPD) for disturbing the peace. If a muffler on a truck is broken or a car stereo is turned up to the point that the houses nearly vibrate, the driver can be cited. But if a dog barks, with respect to the first speaker, there is no local ordinance which allows that to be addressed. No one can do a thing. If that dog keeps everybody in the neighborhood awake all night and if that dog barks night after night to the point where the neighbors are tearing out their hair, and as you can see, I have lost most of mine— or thinking violent thoughts about the owner; there is still nothing that can be legally done. On the other hand, if someone records that barking dog and plays that recording back at night at the same exact volume, they can be cited. At this point, with the Council's indulgence, I would like to play a short audio snippet, if that is allowable.

Chair Furfaro:

It is up to the Committee Chair.

Mr. Kagawa:

Yes you may.

Mr. Peterson:

I will try to not over indulge.

Mr. Kagawa: While he is setting up, we will kind of delay the time. Since he is setting up, I just want to add that in your first sentence, you thanked the Council for taking on this tough issue. It appears that this Council does not duck from any issue and that has been clearly made. Thank you.

Mr. Peterson: Well, it appears that I have an issue with my audio. I used to be an Information Technology (IT) Tech. You would not know it. Anyway, what the recording would have shown you is four (4) to six (6) dogs barking constantly. It was recorded from inside our house on our half-acre of land, approximately a quarter of a mile across the valley from where the dogs were barking. I will not bore the Council with the remaining four (4) or five (5) hours of recordings that we have, but it continues throughout the day and into the night, and this is a daily occurrence. I think you get the point on that. Most dog owners are considerate. They pick up after their dog on the bike path, they quiet their dog if they bark at night, and if their dog continues to bark, they may even bring them indoors or have their dog professionally trained. Some owners even resort to bark

suppressing training collars to quiet their dogs, but small minorities of dog owners have absolutely no respect or concern for the neighbors and allow their dogs to bark unceasingly. They even react angrily when some poor, sleep deprived neighbor knocks on their door and begs them to quiet their dog. Dogs generally bark for a reason; hunger, discomfort, someone on the property that they do not know, and sometimes just because plain boredom. If a dog barks for eight (8) hours straight every night, chances are that it is not barking at a burglar.

Mr. Kagawa:  
minutes. Please summarize.

Mr. Peterson, that was your three (3)

Mr. Peterson: In summary, I would like to thank the Council and ask them to please give us a strong, useful, and appropriate tool to deal responsibly with those few irresponsible dog owners. Thank you.

Mr. Kagawa: Thank you. I have a clarifying question that went up as soon as you mentioned your situation and the audio that you have. You said you live in the beautiful town of Kapa'a. Can you clarify as to what specific...

Mr. Peterson: I am actually the neighbor of the first speaker down on Laipo Road.

Mr. Kagawa: Okay. Thank you. You have another question from the Chair.

Chair Furfaro: Can you tell me the zoning of the land that you live on. Is it rural, agricultural, open, or conservation?

Mr. Peterson: It is R-4.

Chair Furfaro: Thank you very much.

Mr. Kagawa: Councilmember Hooser.

Mr. Hooser: I have a point of personal privilege.

Mr. Kagawa: Go ahead.

Mr. Hooser: In the interest of full disclosure, I have a dog who occasionally barks.

Mr. Kagawa: Thank you, Mr. Hooser. I also have a dog who occasionally barks a lot.

Mr. Topenio: The next speaker is Lisa Tamura, followed by Jo Steciuk.

LISA TAMURA: Good afternoon, Council. My name is Lisa Tamura and I am against Bill No. 2516. I have dogs and they bark because that is their way of communicating. They bark when someone comes to my house. They bark when people walk on the street and when cats walk onto my property. I like it that my dogs bark because I feel safe. When my husband is working, it is just me and my two (2) daughters at home. My dogs are my protectors. I am against this Bill because there is no way to enforce it; it is too subjective. Who will determine if

a dog is being provoked? Presently, I am in the middle of a lawsuit. My neighbor is suing me because of my dogs barking. I do not know what the outcome will be because our trial date is set for next week. I have lived in my neighborhood for over twenty (20) years. My dogs have lived with us for over ten (10) years. Ever since he moved into our neighborhood about three (3) years ago, my neighbor has made allegations that my dogs are a problem because of their barking. He has sent us letters about our dogs and he has been logging down every single time our dogs bark, but he does not know why they are barking. He does not know that there are senior citizens walking or exercising down my street at 3:30 a.m. or that people are walking their dogs past my house at 11:00 p.m. or that there is a cat on my wall. He does not know that we have had burglaries in my neighborhood in recent years. All he knows is that my dogs are barking and he is logging it down, which according to this Bill will be considered a legal document. Who is right? Are my dogs breaking the law or is their barking legitimate because they are being provoked? I have been to court once already and have to appear again next week. His allegations have taken me away from my work, caused me and my family a lot of stress, and has basically turned me into an angry person. I do not know what will happen. I guess I will find out next week. I am angry because my dogs are part of my family. If I thought that they barked too much, I would definitely try to fix the problem. Kaua'i is a special place. I was born and raised here in Waimea Valley where you hear horses, frogs, chickens, goats, and dogs. Being born and raised on Kaua'i did not give me the right to live here; it is a choice. I chose to live on this island. Everyone has a choice to live on Kaua'i or anywhere else in this world. If you choose to live on this island, I believe you need to understand the lifestyle of Kaua'i. This is a place where you know your neighbors and share fish, vegetables, and baked goods with families in the neighborhood. You appreciate their good qualities and tolerate the things that might irritate you because not every family is perfect. We have hunting dogs and *poi* dogs. This is our lifestyle. This Bill is going to cause so many more problems than solutions. I do not need to be educated by the Kaua'i Humane Society about my dogs barking. I know why they bark; they have good reasons. Is Kaua'i a perfect place to live? Not at all. If you choose to live here because you want it to be an "island paradise," then maybe this is not the place for you to call "home." Lawsuits, trials, and log sheets— that is not the way to do things here on our island. That is why I am against the Bill. There is no way to enforce it, it is too subjective, and I do not want anyone else to go through what my family is going through right now. Thank you.

Mr. Kagawa: Thank you, Lisa. You have a clarifying question from Councilmember Yukimura.

Ms. Yukimura: Thank you very much for coming today. I can see how much stress this is all causing you. When your dogs bark at people passing by, is it for a ten (10) minute period or incessantly?

Ms. Tamura: It depends. If we are at home, I am in my bedroom and if the dogs bark, I will get up, walk out of my bedroom down the hallway to the living room, open the windows, and look to see why they are barking first, and then I will quiet them down. It is not for ten (10) minutes. When we are not home, I understand that they bark for a longer period of time, but I do not know the reasons why.

Ms. Yukimura: Okay. Thank you for that explanation. I appreciate it.

Ms. Tamura:

Thank you.

Mr. Topenio:  
Michael Oda.

The next speaker is Jo Steciuk, followed by

JOSEPHINE STECIUK:  
my husband Mike...

*Aloha.* I am Josephine Steciuk. I live with

Chair Furfaro: Excuse me. I have noticed the first three (3) speakers all started speaking before you got in front of the mic. We need to document the testimony. Please introduce yourself when you get to the actual mic.

Ms. Steciuk:  
would carry my voice.

I am sorry. I thought my theatrical training

Chair Furfaro:

Please reintroduce yourself.

Ms. Steciuk: I am Josephine Steciuk here with my husband Michael. We have been in Kaua'i for almost twenty-two (22) years. Almost six (6) years ago, we moved to Kalāheo. We understand that Kalāheo is rural. We hear a horse. We hear a cow. We hear the chickens. We hear all the noises, but what we did not hear the day we went to see the house was the dogs who continually bark down from us, the next property down. I do not know why we did not hear them that day. The owner is home on weekends, maybe, and they are quieter then. What we soon came to realize is that he has a kennel. At that time, we were told that there were eight (8) dogs. More recently, we have been told there are fifteen (15). They bark continually and howl at a siren. Sometimes they howl for no reason. It is continual and all day long. It used to be at night too, but now for some reason and praise God, they seem to shut-up around 10:30 p.m. or 11:00 p.m., which is when I go to bed. Anyway, this has been really annoying. Normally, we would try to work with the neighbor with an issue, but when he comes home at 3:30 p.m. or 4:00 p.m., we hear him screaming "shut the 'f up" at the dogs and sometimes hear banging noises as if he is kicking a cage. I did go down there once just to see and they are in probably four (4) feet by eight (8) feet... sort of looks like what they have at the Humane Society; very small quarters. We understand he takes them to hunt, but that is only once or twice a week. Specifically, these dogs are barking because they are bored. Nothing is really going by them because right up in front of them is a Quonset hut that they face away from our property so the sound hits that and comes directly back to us. We did not go to the owner because he seemed, quite frankly, not like a very charming fellow, screaming obscenities at the top of his lungs at the dogs. We first called the Humane Society and thought maybe it was a puppy mill. They said we had to call the Police. The Police said we had to call the Humane Society. They said there were no laws in the books. This has gone on now for six (6) years. I just thank God that I can sleep at night now. We have to keep the whole back of our house closed in the daytime because of the barking. We have gotten used to it to some degree. I know Kaua'i is a special place, but I do not think we are this little backwater in the middle of the "Wild West." We have got to respect our neighbors and this is not respect. The man knows that they bother us. He cannot stand them when he comes home for two (2) minutes. He is home and he is screaming. We are beside ourselves and cannot get any help anywhere. I do not believe there is a law at the State level. I know there is a law at the County level in Maui, Hawai'i Island, and O'ahu. I do not believe there is one for Maui, but we should be no less civilized just because we live in this beautiful, wild place than the rest of the planet or the rest of Hawai'i. We spoke to a man on

the beach one day who told us he lived in Arizona and had the same problem until the Council passed a law that set fines. The first time his neighbor was fined was the end of it. I thank you for considering this. Thank you very much.

Mr. Kagawa:  
next registered speaker.

Are there any clarifying questions? If not,

Mr. Topenio:  
followed by Anne Punohu.

The next registered speaker is Michael Oda,

MICHAEL ODA: My name is Michael Oda. This testimony is for Michael and Annette Oda. Cat licenses being proposed— anyway, barking dogs; “To the Honorable Kaua’i Councilmembers and Staff, we are opposed to the cat licenses and barking dogs due to the following facts: Wikipedia and personal experiences, knowledge, and commonsense. Knowledge includes the numerous public comments from various sources such as “talk story amongst the locals”; Letters from the Editor, especially Robert Hamada’s excellent letter referring to his gratefulness of his natural security system, his dog; true humane lovers or all animals, perfectly and purposely created by God. Proposed Draft Bill No. 2517 and Bill No. 2516, Finding Purpose: Mostly significantly baseless, questionable assumptions as well as lacking reputable scientific studies and statistics. Please cite source of your statements, “Studies have shown that sterilized indoor cats live four times longer than unsterilized cats who are allowed to roam freely,” which contains illogical thinking. If this issue is truly a life threatening, societal overpowering menace on Kaua’i’s community top three (3) dilemmas, list them then. Please prove “your urgency” with scientific facts and statistics and reliable, reputable, independent sources for us, Kaua’i residents, to formulate intelligent decisions based on the welfare of Kaua’i cats, dogs, and residents to maintain our environmental responsibility of stewardship of the balance of nature from the beginning of time. The entirety of the Proposed Draft Bill Nos. 2516 and 2517 appears to be merely a moneymaking ploy, masking hidden agendas to deceive the public into thinking that they can illegally abuse and exploit cats and dogs for the advancement of increasing the funding of the Kaua’i Humane Society, thereby causing undue stress to the owners and humane caretakers as well as the cats and dogs everywhere. Wake up Kaua’i. Stop this unlawful, vile deception and nonprofit organization. Where are the facts, current statistics from independent, reputable sources of their claims? Please do the research for yourself. The County Council must intelligently weigh their priorities to the County of Kaua’i and realize that if the Kaua’i residents are fairly, democratically, transparently surveyed, we surmise that the results will indicate that the whole issue is totally absurd and priorities should be focused on people’s needs instead of wasting valuable tax money on animals. To restore our faith and our trust in our government servants, most of us are praying that the County Council’s priorities are on the homeless, unemployed, et cetera Kaua’i residents. Why is any money regularly given to the Kaua’i Humane Society, animals only? Anyway, please explain with facts. Please Honorable Councilmembers, consult with your constituents who voted you in and find out scientifically, fairly, transparency what the majority wishes, wants, beliefs are. With that information and the facts of the situation, and seriously consider “the big picture.” Consequently, you can then determine and intelligently conclude your responses. Nature of cats according to Wikipedia, Google, and...

Mr. Kagawa: Michael, that was your three (3) minutes. If you need three (3) additional minutes, you can return after everyone else is done. We have the cats Bill coming up later on too.



Mr. Oda: Thank you.

Mr. Kagawa: You can return after everyone is done.

Mr. Oda: Okay. Thank you so very much.

Mr. Kagawa: Thank you, Michael. Next registered speaker.

Mr. Topenio: The next registered speaker is Anne Punohu, followed by Penny Cistaro.

ANNE PUNOHU: Aloha, Council. My name is Anne Punohu. All of the previous speakers have made some fabulous points. Am I against a law that would solve situations like the woman who was taking in blue? No, I am not. But am I for a law that will cause the situation for the other woman who spoke about being taken to court? Absolutely. I see both of these ordinances as being poorly written and not thinking far enough in advanced as to how these things work on our island. We are a country island. I think that many of us feel that the flurry of these questions being posed to us lately have, in its totality and cumulatively, been an attack on our local, rural lifestyle. I have a dog, as JoAnn Yukimura knows, because she had my dog for a little while and I think my dog was really irritating. My dog barks when I am not at home. She is a little dog. She barks loud. I have had neighbors who said, "Your dog is barking." I said, "Yes, my dog hates it when I am not home." I try to take my dog wherever I can; however, I have neighbors who talk to me. I have neighbors who have been sympathetic and empathetic and I have had to teach my dog that mommy has to go out, you have to stay home, so do not make too much noise. I do not think that I should be criminalized for that. I think that the majority of the people on Kaua'i should not be criminalized for the dogs barking. However, there is a certain level where there should be some intervention. However, I feel that intervention should be the priority, rather than criminalizing the system. I also feel that our Police Department has (inaudible) should it become that bad. I just think that there is a better way to go about this. I see this more as a neighborhood issue; as a community issue. I spoke earlier this month on community boards. I just feel that it tends to pit neighbors against neighbors. As today in this room, we have seen the potential for disaster with these bills. This does not perpetuate good thinking between Kaua'i's people; this causes dissension. Quite frankly, we do not need any more of that. We also do not need any more bills that will rip the community apart. We are just trying to heal from something else right now and I think that we should all get a breather. I feel that the Kaua'i Humane Society, if this is such as issue and I understand about these issues of abuse, which I clearly am for taking care of that and with the feral cats later, I think that you should be giving more funding to the Animal Control Officers. Of course, if there are already laws on the books, I feel that those laws should be looked at first. I also feel, like I do with many things on our island when we propose these things, our population is still far too small. You have a quarter of a million (250,000) people on Maui. You have one million (1,000,000) people on O'ahu. I can understand a barking dog ordinance there. I will come back later.

Mr. Kagawa: Okay. Thank you, Anne. Next registered speaker.

Mr. Topenio:

Our last registered speaker is Penny Cistaro.

PENNY CISTARO: Good afternoon, Council. Penny Cistaro, Executive Director of the Kaua'i Humane Society (KHS). I would just like to reiterate what I have already spoken to Council about, which is that the barking dog bill is a law that will be on the books, but KHS will be the first-responder, rather than KPD going out to a barking dog complaint. Our approach to it is not to penalize or be punitive to the public, but to work with both the complainant and the person who has the barking dog through an educational process to help eliminate the problem without there being a need for a citation. There is an educational packet that we would be working with the dog owner on to help correct the behavioral problems. It does not penalize a person whose dogs are barking for brief periods of time when there are people going by and kids getting off the school bus. There will be a log kept by the complainant and we will not be accepting anonymous complaints so that we will not be arbitrarily bothering people that do have barking dogs. The complainant will need to take responsibility to fill out the log so that we can determine if there is a pattern, when the pattern is, what the problem is, and work with both the person making the complaint and the dog owner to resolve the problem. There will be a minimum of at least twenty-one (21) to twenty-five (25) days prior to any citation being written. We are not looking for the dog to completely stop barking. It is to minimize the problem barker. I agree—I have a dog that barks when people go by, when there is someone on the property, when there is something unusual going by, and I also want my dog to be able to continue to do that. But it is the incessant dog that is barking that is disturbing people's peace and quiet while they are home.

Mr. Kagawa: Thank you, Penny. You have a clarifying question from Councilmember Yukimura.

Ms. Yukimura: The log, from what I hear, would have two purposes. One is to see what patterns there may be and try to analyze what the stimulus or provocation may be and how to deal with it. One is problem solving, not necessarily penalty. The other of the log is if it is incessant barking for no real purpose, then to document for citation purposes. Is that correct?

Ms. Cistaro: Yes. The log would have the date and the times that the dog is barking. If we see that the dog barks on and off during the day, but not for a long period of time, then we know that someone is probably going by the house, whether it is the mailman or the kids getting off the school bus. Then we can also see if it is barking everyday from 2:00 p.m. until 2:20 p.m. What is happening at that period of time? That is how we would work with both the dog owner and the complainant. But dogs do bark, periodically, and that is not the issue. Just because a barking dog complaint comes in, it does not mean that we are going to penalize the dog owner. A lot of times, dog owners are at home and are not aware that there is a stimulus that is causing the dog to bark. Then the educational material provides information to the dog owner of things that they can do when they are not home to minimize the barking.

Ms. Yukimura: Can you give us examples of what kind of things can stop dogs from barking?

Ms. Cistaro: Some of it is boredom, so interactive toys, treats that they can use, and all kinds of things on the market. There are buster cubes for dogs where they have to roll the toy to get kibble out of it so that they are

getting treats. There are (inaudible) that can be stuffed with kibble and frozen peanut butter and it takes the dog a couple of hours to get through that. There are products that you can use in the fence, so that the dog can see what is on the other side now, but still be fenced so that they can see what the stimulus is and get desensitized to that. Some is just a matter of changing the times of day that the dog is exercised. A lot of people give the majority of exercise to a dog after they come home from work, when the best time to exercise a dog is first thing in the morning after they have slept all night, so then they are tired during the day. Some of it is socialization. There are a lot of various things and those are things that we could be working with the dog owner on. Some of it is the complainant recognizing that these are natural behaviors for the dog and there is not an incessant problem. It is just that the dog is barking periodically throughout the day and this is just part of what you have.

Ms. Yukimura: I have heard of water techniques.

Ms. Cistaro: There are some kennels that have water hook-ups that when the dogs start to bark, you can turn the water on to silence the dogs and it is a training mechanism. There are citronella collars that when a dog barks, it emits a citrus spray in the dogs face. Dogs have an aversion to citrus and that can stop them from barking.

Mr. Kagawa: Okay. I think we are going deep here.

Ms. Yukimura: Yes. Thank you.

Mr. Kagawa: Penny, I thank you. I know that you will be here next week at Committee as well because you are a key component and I think you are doing a great job. Thank you, Penny. Next registered speaker.

Mr. Topenio: That was our last registered speaker, Chair.

Mr. Kagawa: Okay. With that, since this is a hot topic, Mr. Rapozo has advised me that he would give three (3) additional minutes to anybody who wants to go again and sometimes I know it is brought on by other people talking.

Chair Furfaro: Excuse me...

Mr. Kagawa: Before you begin, I know she never went yet. Do you want to talk about the barking dogs? Okay, step right up. Then we will go back to Jo.

Chair Furfaro: Excuse me just a minute, Committee Chair. I would suggest that after Alice speaks, we need to take a break to change the tape.

Mr. Kagawa: Okay. We will take a short break after Alice. You have three (3) minutes. Please state your name.

Chair Furfaro: Alice, I do not have control of when the tape runs out.

ALICE PARKER: My name is Alice Parker. For the barking dogs, we do need to have sanctions against people who allow their dogs to bark

because I lived in a condominium and now I live in closed quarters with other people. I want my dog to be a watch dog, and he was before, but they cannot continue to bark. I did use the shock collar on both Kapena and Mango because the citronella spray, fifteen (15) years ago, did not work. If they do not bark, they do not get shocked, and it only took a couple of times where they were quiet. Acutally, the one I have now, Mango; I have taught her to go "urrrggg," but if she keeps barking, then I know that it is something strange and I need to check like when the pigs are outside or somebody she does not like or know. There has to be control. My daughter lived in Kilauea some years ago when I was on the mainland. I could not have a conversation with her. Her land lady had hunting dogs next door and they bark constantly. I said, "You will have to write me a letter because I cannot hear what is going on." She and her husband were snarling at each other and I blamed it on the dogs, but thank you. Are there any questions?

Mr. Kagawa:

Are there any questions?

Ms. Yukimura:

Alice, when you used the shock collar, it stopped them from barking unnecessarily, but it did not stop them if there was a serious problem?

Ms. Parker:

It would probably stop them if there were serious problems. I would just leave it on for a little bit when I was there so the dogs will get used to the idea that if they kept on barking, they were going to get shocked. Kapena— I wanted to call him "Kolohe" but my daughter said, "No, he is enough of a rascal already." Anyway, he would keep barking so I had to leave it on him when I was away until he got the gist of, "No woof, woof" or if it is really serious, "Ruuff ruff ruuufff," but not all day and for hours.

Ms. Yukimura:

Okay. Thank you.

Mr. Kagawa:

Thank you. With that, we will take a short...

Chair Furfaro:

I have one question for her.

Mr. Kagawa:

Okay.

Chair Furfaro:

Alice, in your statement, you said, "Fifteen (15) years ago, the citronella collar did not work." Are there better collars now?

Ms. Parker:

I do not know. Maybe Penny would know. I just know it did not work for me.

Chair Furfaro:

You gave up on that then.

Ms. Parker:

Yes.

Chair Furfaro:

Thank you, Committee Chair.

Mr. Kagawa:  
tape change break.

Thank you. With that, we will take a short

There being no objections, the meeting was recessed at 2:23 p.m.

The meeting reconvened at 2:32 p.m., and proceeded as follows:

Mr. Kagawa: We are back from the tape change. Jo, do you want to have your additional three (3) minutes? This will be the last three (3) minutes for everybody who returns.

Ms. Steciuk: I am back. Thank you. With respect to Penny and the Humane Society, I just wanted to say that I think she is talking more in the cases of one (1) dog, two (2) dogs, or even three (3) dogs, but we are talking twelve (12) to fifteen (15) dogs. We heard it was fifteen (15) dogs, but I have not personally counted. This is a serious problem. When we called the Police and sent them down there, we have said to tell him that we will buy bark collars and says "yes" to the Police, but he never approaches us. We cannot get a hold of him. What we do get is the finger if he sees us driving down the road and screaming obscenities if he sees us on our back porch. This is an extreme case. If you were living in a four (4) feet by eight (8) feet cage day in and day out, and all they see is a metal wall and wire, you would be insane. These dogs are really abused, but by law, they have food, shelter, and water. That is all they need. They do not have to be taken out, they do not have to be exercised, and they do not have to have love, so it is an extreme case. I would just like to make that issue that we have tried. My husband even tried to go to arbitration; that was suggested by the Humane Society. They have called and the fellow said "no." There is nothing the he wants to do, but when he comes home, he cannot stand himself. We really need this and we really appreciate that you are considering it. I know this is an extreme case. We have had dogs over the years and we love our dogs and cats, but this is too much.

Mr. Kagawa: You have a clarifying question for Jo?

Ms. Yukimura: Just clarifying information that some hunters with quite a few dogs have put in sprinkling systems, as Penny described, and that has worked a lot.

Ms. Steciuk: Six (6) years ago, we were told by his father that he has said system, but it was broken. I suggested that perhaps they could repair it. That was six (6) years ago. He just does not want to do anything. We have offered bark collars, mediation, to fix the sprinkler system, and then nothing. This is never talking to him because we do not want to approach him because he is not a very nice fellow. It has been said through the Police and through the Humane Society.

Ms. Yukimura: You have offered to pay for a sprinkler system?

Ms. Steciuk: No, we have offered to repair it. He supposedly has it there according to a man I spoke to who said he was his father.

Ms. Yukimura: I see.

Ms. Steciuk: He has yelled up to us that bark collars cost six hundred dollars (\$600). They do not. They are about sixty dollars (\$60). There is one (1) offending dog that sets off all the rest. I think if that one (1) dog had a bark collar, that might help, but he is just not willing to help.

Mr. Kagawa: Thank you. Are there any more questions for Jo? I have a short on, Jo. Is this your next door neighbor?

Ms. Steciuk: No, he lives down the hill.

Mr. Kagawa: How far away does he live? Can you describe it?

Ms. Steciuk: About one hundred (100) yards from our back door is the back of his kennel. In front of that kennel is—I call it a “Quonset hut”; it is metal. I am assuming that when they bark, the sound hits that and comes right back in our window.

Mr. Kagawa: Okay. Thank you. I just wanted to see the picture. Next speaker please.

Ms. Woodruff: Suzanne Woodruff again. I will start-off by reminding you about a little history lesson that the right to keep domestic animals on your property goes back to the Magna Carta, which is one of the fundamental property rights. The problems that these people are discussing would be better handled by tougher and better enforcement of animal cruelty laws. What she described is horrible. You have great empathy for the dogs. Animal cruelty—I think would address a lot of these problems. If this man is not breaking the animal cruelty laws, then the animal cruelty laws can certainly be amended, toughened, and need much stronger enforcement. I will point out that I think bark collars... shock collars are very inhumane. I do not think anyone should use them on their animals. The spray collar with the spray or even a little squirt gun seems to work effectively. I think that animal cruelty is perhaps one of the lowest forms of immoral acts. In fact, Gandhi once said, “The judgment of a moral society is the way the people treat the vulnerable domestic animals that cannot be cared for.” I think we just need better animal cruelty laws and understanding of education of both, perhaps dog owners and also education of neighbors, of what is realistic dog behavior such as chasing cats and school buses, as we have already mentioned so far. I think that concludes.

Mr. Kagawa: Thank you, Suzanne. Are there any more questions? If not, Michael you are up next. Please restate your name.

Mr. Oda: My name is Michael Oda. The subject is cats. I read previously on the first...

Chair Furfaro: Excuse me...

Mr. Kagawa: The cats are going to be on the next item. We are on the dogs right now. Do you have anything else about the dogs? Now is the time.

Mr. Oda: Okay.

Mr. Kagawa: If not, maybe you can be first up on the cats.

Mr. Oda: This is like a race or something.

Mr. Kagawa: No. We were always on the dogs; it is just that the dogs and cats are both on the same day.

Mr. Oda: Okay.

Mr. Kagawa: If that makes sense.

Mr. Oda: Yes. I am going to continue from where I left off, if you do not mind. "Usually independent but the social behaviors that warrant"...

Mr. Kagawa: Do not worry, Michael. You have three (3) minutes regardless.

Mr. Oda: It is going to go into cats already. Anyway, about the dogs, it is a very, very difficult subject to determine an animal of its behavior, especially because we are not experts and even experts make mistakes. To me, with the fines that (inaudible); how do you count something that... to modify an animal behavior so quickly? People cannot even change their behavior quickly themselves. How do you expect an animal, which has a different language than we do, to suddenly behave... unless you try to be like Pavlov and do electrical stimulation? Still, that is not going to do any changes instantly. You are hurting the dog itself. I believe the Council should have lots of thoughts on this and make wise decisions because it is going to affect a lot of people. I know dogs bark. I hear them. There has to be a better solution than just fining people heavily like a criminal because animals have to behave the way you like it or not and that is the way they are. If you can change an animal instantly, why do you not try to change your own behavior? We have a lot of bad habits and bad ways. If you can reflect yourself as someone who can change yourself quickly, like hopefully the dog does, then I guess you can subdue us to your condition. Thank you.

Mr. Kagawa: Michael, Councilmember Yukimura has a question for you.

Ms. Yukimura: Michael, do you have a cat or a dog? Do you own a cat or a dog?

Mr. Oda: I do not know if I actually own them because they come to my house.

Ms. Yukimura: Are you talking about dogs or cats?

Mr. Oda: Cats.

Ms. Yukimura: You are talking about cats?

Mr. Oda: Yes.

Ms. Yukimura: Okay. We will talk more about cats.

Mr. Oda: I had dogs when I was younger. We always had because my sister would bring a cat... I mean a dog, and my uncle would take care of it. My sister had dogs in her house. I had dogs around me and in my family home.

Ms. Yukimura: Okay. Thank you.

Mr. Kagawa: Michael, for everybody, we all own cats and we never really had control of it. They eat and walk as they please throughout the day, right?

Mr. Oda: Yes.

Ms. Yukimura: At least they are quiet.

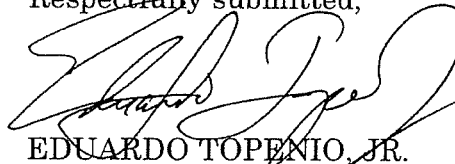
Mr. Kagawa: We are on dogs now. Step right up.

Ms. Punohu: I have a clarification for you guys. What if this wonderful Aunty over here, who is an Attorney by the way, is correct and there is a State law in the books? Perhaps all of us, me included, may have learned something after going through Bill No. 2491 about this whole *mana'o*. How would you feel about this particular ordinance or any other ordinances therein, if there was actually already a law on the books that could be better enforced? I guess that is my testimony if you can call it testimony. *Mahalo*.

Mr. Kagawa: Thank you, Anne. Are there any more clarifying questions? If not, is there anybody else who wants to speak in the second round? No. With that, this public hearing is now closed.

The meeting was called back to order, and there being no further testimony on this matter, the public hearing adjourned at 2:42 p.m.

Respectfully submitted,



EDUARDO TOPENIO, JR.  
Administrative Assistant to the County Clerk